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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,790	10/20/2000	Dean F. Jerding	A-6689	8529

5642 7590 06/16/2006

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EXAMINER

SHANG, ANNAN Q

ART UNIT PAPER NUMBER

2623

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/693,790	Applicant(s) JERDING ET AL.	
	Examiner Annan Q. Shang	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 71,72,74,75 and 87-110 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 71,72,74,75 and 87-110 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 03/38/06 have been fully considered but they are not persuasive.

2. Claims 71, 72, 74, 75, 87-92, 99-102, 104-107 and 109 stand rejected under 103(a) as being unpatentable over **Legall et al (6,005,565)** in view of **Ellis et al (2005/0283810)** and claims 93-98 and 103 stand rejected under 103(a) as being unpatentable over **Legall et al (6,005,565)** in view of **Ellis et al (2005/0283810)**, and further in view of **Koshimuta (6,515,710)**.

With respect to claims 71, 72, 74 and 75, applicant argues that "Legall...does not provide a search option to search programs with a start time in a user selected time period..." and further argues that "Ellis et al discloses that the remote media server 24, not the STT, records programs and associated program guide data...It is this information...stored at the server which is displayed as the recorded programs on the screens..."

In response, Examiner disagrees. Examiner notes applicant's arguments, however, Legall discloses in the power search area, and EPG Start Time tile for entering time with an 'All' text, to indicate to a user to select anytime, e.g., 5:45PM, and further discloses a tile for entering EPG length, which indicates 2 hrs, which also permits a user a selected a length of the EPG and when a user press Go button or icon 348, the search result is displayed on the top right corner of the display, Window 220 (see fig.3B-6, col.3, lines 28-55). Legall further discloses that a user selectable search

options, can enter as text string, EPG Cost, etc. As to the arguments with respect to the secondary reference Ellis, Ellis further discloses different embodiments of a user TV equipment 22 and further discloses a Remote Server 24 which is also local media server 29, which can be contained in the STB or external to the STB via IEEE medium or other communication medium, to record programs and display EPG which identifies recorded programs (page 8, [0102-0104], [0108-0109] and [0142-0143]). Hence applicant's arguments are not persuasive, the 103(a) rejection of claims 71, 72, 74 and 75 is proper, meets all the claimed limitations and maintained as discussed below.

With respect to claims 87-92, applicant further argues that, "Legall... fails to teach or suggest an option to select a time period from a plurality of time periods... does not disclose an option to select a time period and receiving an input corresponding to a user-selected time period..." and "...does not teach or suggest providing an option to search for programs based on the user-selected time period..."

In response, Examiner disagrees. Examiner notes applicant's arguments, however, Legall provides an option to enable a user to select a time period from a plurality of time periods. As discussed above the user can select a start time and end time within tile 351 (see figs.3B-6, power search query tools and also power search fig.4 elements 401-426) and EPG length, and further discloses searching for media programs and permits a user to immediate tune-in to a program within the search result, i.e., Window 220 (col.2, lines 40-59). Legall fails to explicitly teach searching for media programs recorded in the memory of the STB, however this deficiency is disclosed in Ellis reference, which discloses recording programs locally and displays a directory or

EPG of recorded and unrecorded programs and upon a user's request searches to retrieve a programs. Hence applicant's arguments are not persuasive, the 103(a) rejection of claims 87-92 is proper, meets all the claimed limitations and maintained as discussed below.

With respect to claims 93-98, argues the 103(a) rejection as being unpatentable over Legall in view of Ellis, and further in view of Koshimata could not be combined, furthermore states that "the cited reference fail to suggest a motivation to combine the references...impermissible hindsight of the present application."

In response, Examiner disagrees. Examiner notes applicant's arguments, however, as to the arguments that there is not suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art at the time the claimed invention was made. In this instant, all the cited references are from the television environment, and appropriate motivation has been provided. Hence this is not hindsight reasoning and the reconstruction is proper and maintained as discussed below.

With respect to claims 99 and 102-104, applicant further argues that, "Legall...fails to explicitly teach that the search option includes an 'option to search media information stored in the memory of the STT...based on types of TV services...' Ellis fails to teach that the identification of the respective type of television service..."

In response, Examiner disagrees. Examiner notes applicant's arguments, the deficiency in Legall is disclose in Ellis, which discloses recording programs locally as discussed above, and further displays program titles, including channel number, service provide information, etc., (see figs.18a-19 and 25a-25b). Hence applicant's arguments are not persuasive, the 103(a) rejection of claims 99 and 102-104 is proper, meets all the claimed limitations and maintained as discussed below.

With respect to claims 105-110, applicant further argues that, "Legall... Ellis and Sahai... taken in combination, fail to teach or suggest... claim 105... Ellis fails to teach entitlement information and fails to suggest that entitlement information is related to recording features..."

In response, Examiner disagrees. Examiner notes applicant's arguments, however, the deficiency in Legall and Sahai, is disclose in Ellis. Ellis receives and stores in the STB media information and entitlement information corresponding to a plurality of respective programs, displays the media information and upon a user interaction or request to the displayed media information, e.g., for a PPV program, a PPV ordering overlay 370 is displayed which enables a user to enter a purchase code (see figs.18a-19 and 25a-25b, page 12, [0138-0140]). Hence applicant's arguments are not persuasive, the 103(a) rejection of claims 105-110 is proper, meets all the claimed limitations and maintained as discussed below. This office action is made final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 71-72, 74-75, 87-92, 99-107 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall (6,005,565)** in view of **Ellis et al (2005/0283810)**.

As to claims 71 and 75, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) "media information" corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion

Art Unit: 2623

of the EPG (fig 3B) stored in MM, the portion of the EPG comprising TBS, HBO, CTN, etc., and corresponding programs such as Desperado, NFL Football “media programs” with respective start times in the user-selected time period and matching the search term, where the search term is different than the start time in the user-selected time period (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria; note further that when a user inputs a search term such as, e.g. 5:45PM, S-100 outputs an EPG from 6:00 PM to 7:30 PM, a time which is different from the user selected time.

Legall fails to explicitly teach where the search option includes at least one search criterion based on whether a media program is a recorded media program in the STT and where the portion of the media information output by the STT to the television further identifies at least one media program as recorded media program residing in the STT.

However, note the **Ellis** reference figures 1, 2, 7, 10, 18b-f, discloses an interactive TV program guide (ITV-PG) and different types of TV services (fig.10) where the search option includes at least one search criterion based on whether a media program is a recorded media program in the STT and where the portion of the media information output by the STT to the television further identifies at least one media program as recorded media program residing in the STT (figs.10, 18b-f, page 13, [0145-0149]), note fig.7 local media server ‘LMS’ 29 or Remote Server ‘RS’ 24 (page 8,

Art Unit: 2623

[0101-0104] and [0108-0109]) stores programs recorded by the user and ITV-PG data; ITV-PG of fig.10, includes "pending selections" and ITV-PG of figs.18b-c identifies recorded media programs (page 13, [0145-0149]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Legall to indicate to the user recorded TV programs to enable the user to record other desired programs not locally stored.

As to claim 72, Legall further discloses where the portion of the EPG output by TV 120 identifies the first and second types of service for the first and second program, such as TBS, HBO, CTN, etc., and corresponding programs such as Desperado, NFL Football (fig. 3B).

Claim 74 is met as previously discussed with respect to claim 71.

As to claim 87, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) "media information" corresponding to a plurality of types of television services, TBS, HBO, CTN, etc., the EPG comprising a plurality of media programs

Art Unit: 2623

corresponding to each type of service in the plurality of types of television services and stores the EPG in Memory (MM);

S-100 outputs Window 375 “a first presentation comprising an option(s) 351 and 352 to select a time period from a plurality of time periods (fig. 3 and col. 2, line 60-col. 3, line 1+); and receives user input to search the EPG stored in MM or external database over Internet for EPG with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG “a second presentation” comprising information corresponding to Desperado, NFL Football “media programs” with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+); note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria;

S-100 further provides the user a search option, based on topics, category, subcategory, source, etc., to search the media information stored in the first memory for media programs based on the user selected time period (fig. 3B and col. 2, line 60-col. 3, line 1+).

Legall fails to explicitly teach where the search option includes at least one search criterion based on whether a first type of TV service in the plurality of types of TV services is available to the user as a purchasable event.

However, note the **Ellis** reference figures 1, 2, 7, 10, 18b-f, discloses an interactive TV program guide (ITV-PG) and different types of TV services (fig.10) where the search option includes at least one search criterion based on whether a media program is a recorded media program in the STT and where the portion of the media information output by the STT to the television further identifies at least one media program as recorded media program residing in the STT (figs.10, 18b-f, page 13, [0145-0149]) and further teaches purchasable events (figs.14c-17 and page 12, [0135-0141]), note fig.7 local media server 'LMS' 29 (page 8, [0101-0104] and [0108-0109]) stores recorded programs, ITV-PG data, etc., ITV-PG of fig.10, includes "pending selections" and ITV-PG of figs.18b-c identifies recorded media programs (page 13, [0145-0149]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Legall to enable the user to purchase and record other desired programs not locally stored.

As to claim 88-89, Legall further discloses where the plurality of television services is available as a purchasable event and a second type of service is available without additional purchase and a subscription service (col. 3, lines 39-43 and col. 4, lines 5-11).

Claim 90 is met as previously discussed with respect to claim 87.

As to claim 91, Legall further discloses where the search option is provided in the second presentation output to TV-120 of S-100 (col. 2, lines 38-59 and col. col. 4, lines 49-65).

As to claim 92, Legall further discloses where responsive to providing a search option to the user, receiving by the S-100 a second user input corresponding to a search term, and where responsive to receiving the second user input, outputting to the TV-120 a third presentation including a portion of the media information corresponding to at least one program in the user-selected time period and to the search term (col. 2, line 38-col. 3, line 1+ and col. col. 4, line 49-col. 5, line 21)

As to claims 99-102, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) "media information" corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising TBS, HBO, CTN, etc., and corresponding programs, Desperado, NFL Football, etc., "media programs" with respective start times in the user-selected time period and matching the search

Art Unit: 2623

term (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria and identifies the respective type of television service providing the media program (figs 2, 3B, Window 220, TBS, HBO, CTN, etc., and corresponding programs, Desperado, NFL Football, etc.).

Legall fails to explicitly teach where the search option includes option to search the media information stored in the memory of the STT for media programs that satisfy at least one search criterion based on types of TV services.

However, note the **Ellis** reference figures 1, 2, 7, 10, 18b-f, discloses an interactive TV program guide (ITV-PG) and different types of services where the search option includes at least one search criterion based on whether a media program is a recorded media program in the STT and where the portion of the media information output by the STT to the television further identifies at least one media program as recorded media program residing in the STT (figs.10, 18b-f, page 13, [0145-0149]), note fig.7 local media server 'LMS' 29 (page 8, [0101-0104] and [0108-0109]) stores recorded programs, ITV-PG data, etc., ITV-PG of fig.10, includes "pending selections" and ITV-PG of figs.18b-c identifies recorded media programs (page 13, [0145-0149]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Legall to provide other types of services to the user and enable the user to record other desired programs not locally stored.

As to claim 104, Legall further discloses identifying the respective type of television service providing the media program and the random access functionality available with the media program (figs. 2, 3B, window 220 and col. 2, line 38-col. 3, line 1+ and col. 4, line 16-col.5, line 1+).

As to claims 105-107, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives satellite transmission of broadcast and electronic program guide (EPG) "media information" corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising information corresponding to Desperado, NFL Football "media programs" with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU

of S-100 filters out the search to provide the user with an EPG based on the search term criteria;

Legall, teaches option 343 EPG Cost, but fails to explicitly teach outputting to the TV media information, which includes entitlement information corresponding to at least one media program that satisfy at least one search criterion based on entitlement information corresponding to a media program, entitlement information being related to various recording features of the media programs.

However, note the **Ellis** reference figures 1, 2, 7, 10, 18b-f, discloses an interactive TV program guide (ITV-PG) and different types of services where the search option includes at least one search criterion based on whether a media program is a recorded media program in the STT and entitlement information corresponding to at least one media program that satisfy at least one search criterion based on entitlement information corresponding to a media program, entitlement information being related to various recording features of the media programs (figs.10, 18b-f, page 13, [0145-0149]), note fig.7 local media server 'LMS' 29 (page 8, [0101-0104] and [0108-0109]) stores recorded programs, ITV-PG data and entitlement information (page 12, [0138-0140]), ITV-PG of fig.10, includes "pending selections" and ITV-PG of figs.18b-c identifies recorded media programs (page 13, [0145-0149]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Legall to provide entitlement information to enable the user to access desired programs and record other desired programs not locally stored.

As to claim 109, Legall further discloses automatically identifying expiration of stored EPG and programs and updating accordingly, but fails to explicitly teaches where entitlement information identifies, which as being previously discussed with respect to claim 105.

5. Claims 93-98 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall et al (6,005,565)** in view of **Ellis et al (2005/0283810)** and further in view of **Koshimuta (6,515,710)**.

As to claims 93-96, note the **Legall** reference figures 1-3, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a method implemented by a television set-top terminal 'STT' (System 100, fig. 1) for enabling a user to search for media programs, the method comprising:

the claimed "receiving by a tuner in the STT media information..." is met by Receiver (R) 105 of System (S) 100 (fig. 1 and col. 2, lines 7-25), which receives via satellite broadcast, Internet broadcast, etc., broadcast programs and electronic program guide (EPG) corresponding to a plurality of respect media programs and stores the EPG in Memory (MM);

S-100 provides the user a search option to search the EPG stored in MM of S-100 for media programs with start time in a user-selected time period and matching a search term (figs. 3A, 3B and col. 2, lines 23-37); and responsive to the user activating the search option, outputting to the Television Display (TV) 120/326 of S-100 a portion of the EPG (fig 3B) stored in MM, the portion of the EPG comprising information

Art Unit: 2623

corresponding to Desperado, NFL Football "media programs" with respective start times in the user-selected time period and matching the search term (col. 2, line 60-col. 3, line 1+), note that S-100 enables a user to input anytime search term criteria such as: 351 start time box, 352 EPG length box, topics, source, rating, category, etc., where a CPU of S-100 filters out the search to provide the user with an EPG based on the search term criteria.

Legall fails to explicitly teach where the search option includes media information stored in the memory of the STT for media programs that satisfy at least one search criterion based on the quality of the media.

However, note the **Ellis** reference figures 1, 2, 7, 10, 18b-f, discloses an interactive TV program guide (ITV-PG) and different types of TV services (fig.10) where the search option includes media information stored in the memory of the STT for media programs that satisfy at least one search criterion and where the portion of the media information output by the STT to the television further identifies at least one media program as recorded media program residing in the STT (figs.10, 18b-f, page 13, [0145-0149]), note fig.7 local media server 'LMS' 29 (page 8, [0101-0104] and [0108-0109]) stores recorded programs, ITV-PG data, etc., ITV-PG of fig.10, includes "pending selections" and ITV-PG of figs.18b-c identifies recorded media programs (page 13, [0145-0149]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Ellis into the system of Legall to indicate

to the user recorded TV programs to enable the user to record other desired programs not locally stored.

Legall as modified by Ellis, fail to explicitly teach search criterion based on video quality of the media programs and identification of respective media quality of at least one media program.

However, note the **Koshimuta** reference figures 1-5, disclose a television receiver that determines the video signal format based on data characterizing of the video signal being received and further determines if it's a HDTV, SDTV, NTSC, etc., video signals (col. 1, lines 9-19, col. 2, line 43-col. 3, line 24, col. 4, line 44-col. 5, line 9).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Koshimuta into the system of Legall as modified by Ellis to identify the media quality of each media program to enable the user to beware of type of signal being received to enable the user to choose a signal type (HDTV, SDTV, NTSC, etc.,) that meets their receivers and to enable the receivers to reproduced the precise colors that meets manufactures specification or the receiver's capabilities.

As to claim 97-98, Legall further discloses identifying the respective type of television service providing the media program and the random access functionality available with the media program (figs. 2, 3B, window 220 and col. 2, line 38-col. 3, line 1+ and col. 4, line 16-col.5, line 1+).

As to claim 103, Legall teaches all the claimed limitation as previously discussed with respect to claim 99, but fails to explicitly teach identifying the respective media quality of the media program, which as being previously discussed with respect to claim 93.

6. Claims 108 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Legall et al (6,005,565)** in view of **Ellis et al (2005/0283810)** as applied to claim 105 above, and further in view of **Sahai et al (6,594,669)**.

As to claim 108 and 110, Legall as modified by Ellis, fail to explicitly teach where identifying media quality and where the media quality is a bit-rate.

However, **Sahai** teaches identifying media quality by frame rate of display, bit-rate, size, play back, etc. (col. 3, lines 50-60 and col.4, lines 9-63).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Sahai into the system Legall as modified by Ellis to identify media quality by bit-rate and adjust device to the appropriate bit-rate for encoding and decoding of data or the programs.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

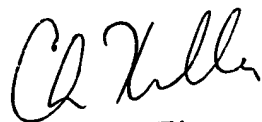
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA)** or **571-272-1000**.



Annan Q. Shang



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